

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

IN RE: COLUMBIA UNIVERSITY  
PATENT LITIGATION

04-MDL-1592

This document relates to all actions

**JOINT STATUS REPORT PURSUANT TO  
THE COURT'S ORDER DATED JUNE 23, 2004**

The parties to the above-captioned multidistrict litigation respectfully submit the following status report as ordered by the Court.

**A. Pending Motions**

The following motions are pending:

**1. Plaintiffs' Motion for Limited Discovery Relevant to the Issue of Non-Statutory Double Patenting**

This motion will be fully briefed before the August 16, 2004 Status Conference.

**2. Amgen and Immunex Corporation's Motion for Leave to Obtain Discovery from Foreseeably Unavailable Witnesses**

This motion will be fully briefed before the August 16, 2004 Status Conference.

**B. Protective Order On Columbia University's Motion to Seal and Restrict Access to Confidential Information**

Columbia's Emergency Motion to Seal and Restrict Access was argued at the hearing of June 22, 2004. On June 23, 2004, the Court issued a protective order. In tandem with this

protective order, the Court also issued an order requiring further briefing addressing the Court's First Amendment concerns. The parties exchanged these further briefs on July 16. Plaintiffs are filing today a short brief responding to Columbia's authorities and raising further concerns with the protective order before the status conference. If the court chooses to allow additional briefing from Plaintiffs, Columbia requests that it be given sufficient time (seven court days) to submit a responsive brief if necessary.

### **C. Double Patenting Contentions**

On July 23, 2004, in accordance with the Court's scheduling order of June 23, 2004, plaintiffs served their double patenting contentions upon Columbia. On August 6, 2004, in accordance with the same order, Columbia served responsive contentions upon plaintiffs. The parties have raised with each other issues associated with the contentions and the responses to the contentions. If the parties are unable to resolve these issues, they may seek to involve the Court.

Dated: August 11, 2004

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